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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/824,496 03/14/97 COOPER

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TM02/0828

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EXAMINER

HARVEY, M

ART UNIT	PAPER NUMBER
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2644

DATE MAILED:

08/28/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.
08/824,496

Applicant(s)
COOPER

Examiner
Minsun Oh Harvey

Art Unit
2644



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 18, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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1. Claims 8-17, 28, 32-36 and 39 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Correlation circuit which has been claimed in claims 8-17, 28, 32-36 and 39 do not read on figure 2.

In claim 39, the applicant has claimed step a) include "pitch correction". However, it is unclear to the examiner how the delaying of step a) include pitch correction as claimed.

Clarification is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 to 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirby.

Regarding claim 1, Kirby discloses a cancellation circuit responsive to the talent signal (12) to delay the talent signal in a variable delay (22) and to gain adjust the talent signal in delayed or undelayed form in a variable gain circuit (32 and 38) thereby providing a cancellation signal (output of 38), with the amount of the gain responsive to operator adjustment (mix minus signal is

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fed back to the filter which adjusts gain) ; the feedback signal and the cancellation signal being applied to a combining circuit (40) to provide the mix minus signal with the feedback signal being applied without the use of a variable delay circuit (no compensation adjustment is made to delay 21 when small delays are detected).

Regarding claim 2, Kirby discloses a cancellation circuit responsive to the talent signal (12) to delay the talent signal in a variable delay (22) and to gain adjust the talent signal in delayed or undelayed form in a variable gain circuit (32 and 38) thereby providing a cancellation signal (output of 38), with the amount of the gain responsive to the mix minus signal (mix minus signal is fed back to the filter which adjusts gain) ; the feedback signal and the cancellation signal being applied to a combining circuit (40) to provide the mix minus signal with the feedback signal being applied without the use of a variable delay circuit (no compensation adjustment is made to delay 21 when small delays are detected).

Regarding claim 3, Kirby discloses a cancellation circuit responsive to the talent signal (12) to delay the talent signal in a variable delay (22) and to gain adjust the talent signal in delayed or undelayed form in a variable gain circuit (32 and 38) thereby providing a cancellation signal (output of 38), with the amount of the delay responsive to feedback signal (variable delay 22 is vary depending upon changes in a relative delay of feedback and talent signals are detected) and the amount of the gain responsive to the mix minus signal (mix minus signal is fed back to the filter which adjusts gain) ; the feedback signal and the cancellation signal being applied to a combining circuit (40) to provide the mix minus signal with the feedback signal being applied

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without the use of a variable delay circuit (no compensation adjustment is made to delay 21 when small delays are detected).

Regarding claim 20, Kirby discloses delaying the talent signal (12) by a varying delay amount in continuing response to the variable amount of delay arising from its passage through a broadcast transmission (inherent since delay measuring system 10 continuously monitor incoming signals); providing a cancellation signal of a known level in response to the delayed talent signal (output of 38); changing the varying delay amount of the delay in step a) from time to time (no changes to delay if small changes in delay of incoming signals are detected); combining the feedback signal and the cancellation signal to provide the mix minus signal (40). wherein the feedback signal is combined without additional variable delay beyond the variable (no changes to delay if small changes in delay of incoming signals are detected).

Regarding claim 21, Kirby discloses delaying the talent signal (12) by a varying delay amount in continuing response to the varying relative timing (inherent since delay measuring system 10 continuously monitor incoming signals); adjusting the level of the talent signal in delayed or undelayed form (32 and 38) and providing a cancellation signal in response to the delayed form thereof (output of 38) ; in the adjusting step b), changing the amount if the level in responsive to the mix minus signal (mix minus signal is fed back to the filter); providing the mix

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minus signal in response to the feedback signal the cancellation signal (output of 40) wherein the feedback signal receives no variable delay beyond that as part of the broadcast transmission (no changes to delay if small changes in delay of incoming signals are detected).

Regarding claim 22, Kirby discloses delaying the talent signal (12) by a varying delay amount responsive to the relative delay which may vary (inherent since delay measuring system 10 continuously monitor incoming signals); adjusting the level of the talent signal in delayed or undelayed form in a variable gain circuit (32 and 38) and providing a cancellation signal in response to the delayed version thereof (output of 38) ; wherein in step a) the varying delay amount is automatically responsive to the feedback signal (variable delay 22 is vary depending upon changes in a relative delay of feedback and talent signals are detected) and in step b) the level is automatically responsive to the mix minus signal (mix minus signal is fed back to the filter); providing the mix minus signal in response to the feedback signal the cancellation signal (output of 40) wherein the feedback signal suffers no variable delay beyond as part of the broadcast transmission (no changes to delay if small changes in delay of incoming signals are detected).

Regarding claim 40, Kirby discloses a cancellation circuit responsive to the talent signal (12) to delay the talent signal in an amount set by a human operator (22) and to gain adjust the talent signal in delayed or undelayed form in a variable gain circuit (32 and 38) thereby providing a cancellation signal (output of 38), with the amount of at least one of the gain responsive to the mix minus signal (feedback loop from output of 40) and; a combining circuit responsive to the feedback signal and the cancellation signal to provide the mix minus signal (40).

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Regarding claim 43, a cancellation circuit responsive to the talent signal (12) to delay the talent signal by an amount set by a human operator to the expected value of the first amount (22) and to gain adjust the talent signal in delayed or undelayed form in a variable gain circuit (32 and 38) thereby providing a cancellation signal (output of 38) and; a combining circuit responsive to the feedback signal and the cancellation signal to provide the mix minus signal (40).

Regarding claim 44, Kirby discloses a cancellation circuit responsive to the talent signal (12) to delay the talent signal by an amount set by a human operator in response to the expected value of the first amount (22) and to gain adjust the talent signal in delayed or undelayed form in a variable gain circuit (32 and 38) thereby providing a cancellation signal (output of 38), with the amount of gain responsive to the mix minus signal (mix minus signal is fed back to the filter) and; a combining circuit responsive to the feedback signal and the cancellation signal to provide the mix minus signal (40).

Regarding claim 46, Kirby discloses delaying the talent signal (12) by an amount set by a human operator in response to the expected value of the first amount (22); adjusting the level of the talent signal in delayed or undelayed form (32 and 38) and providing a cancellation signal in response to the delayed form thereof (output of 38) and providing the mix minus signal in response to the feedback signal and the cancellation signal (output of 40).

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Regarding claim 49, Kirby discloses delaying the talent signal (12) by an amount set by a human operator in response to the expected value of the first amount (22); adjusting the level of the talent signal in delayed or undelayed from in a variable gain circuit (32 and 38) and providing a cancellation signal in response to the delayed version thereof (output of 38); automatically varying the delay amount of step a) from the expected value to the first value and; providing the mix minus signal in responsive to the feedback signal and the cancellation signal(output of 40).

Regarding claim 50, Kirby discloses delaying the talent signal (12) by varying delay amount set by a human operator in response to the expected value of the first amount (22); adjusting the level of the talent signal in delayed or undelayed from (32 and 38) and providing a cancellation signal in response to the delayed from thereof (output of 38); in the adjusting step b), automatically changing the amount of the level in response to the mix minus signal (mix minus signal is fed back to the filter) and; providing the mix minus signal in response to the feedback signal and the cancellation signal (output of 40).

4. This in response to the applicant's argument which was received on June 18, 2001..

On pages 1 to page 4, line 20, the applicant has argued that "the applicant was unsure whether the examiner finds the correlation circuit not enabled, or whether the examiner believes that figure 2 does not encompass the same invention as that claimed using a correlation circuit". The examiner would like to point out that using a "correlation circuit" does not encompass on the

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elected figure 2. The applicant has also argued that "figure 3 is a more detailed, automatic adjustment, version of Figure 2". The applicant's argument is not persuasive because even though figure 2 discloses an adjustment circuit, it does not disclose that the adjustment circuit is a correlation and adjustment circuit. Also, on page 6, lines 5 to 6, the applicant has disclosed figure 3 as a second embodiment of the invention.

On page 4, line 21 to page 6, line 4, the applicant has argued that Kirby reference does not disclose "a signal to be applied without the use of a variable delay circuit". The applicant's argument is not persuasive because as described above, since Kirby reference discloses that no compensation adjustment is made to delay 21 when small delays are detected, it reads on the claims.

The examiner maintains the rejection as set forth above.

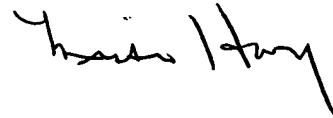
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minsun Oh Harvey whose telephone number is (703) 308-6741.

A handwritten signature in black ink, appearing to read "Minsun Oh Harvey", written in a cursive style.

**MINSUN OH HARVEY
PRIMARY EXAMINER**

August 26, 2001